Speech delivered by the
Hon'ble Chief Minister of Tamil Nadu

Selvi J JAYALALITHAA

at the 7th meeting of the
Cauvery River Authority
held on 19.9.2012 at New Delhi

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Hon'ble Chief Minister of Tamil Nadu
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at the 7th meeting of the
Cauvery River Authority
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Hon'ble Prime Minister Dr. Manmohan Singh,

Hon'ble Chief Minister of Karnataka
Shri Jagadish Shettar,

Hon'ble Chief Minister of Puducherry
Shri N. Rangasamy,

Ministers and Officers of the Central and State Governments,

The 7th meeting of the Cauvery River Authority has been convened after a long gap of 9 years and that too only after my persistent efforts and after the intervention of the Supreme Court.

2. Mr. Prime Minister, Tamil Nadu as a lower riparian State has had to endure untold misery to get its lawful and entitled share of Cauvery Water over the years,

pitted against a recalcitrant Karnataka which proclaims that it has all the right to Cauvery water till its reservoirs are full.

3. Mr. Prime Minister, I come to this meeting with a sense of déjàvu. This is not the first time that we were made to oscillate between the Supreme Court and the Cauvery River Authority, desperately seeking release of water, while Karnataka fills its reservoirs and irrigates its crops and the Central Government turns a Nelson's eye to the plight of the farmers of Tamil Nadu. The implications of impounding an Inter-State river by an upper riparian State, in utter disregard of judicial pronouncements, will be far reaching and will affect the very roots of Federalism especially if the Central Government behaves like the proverbial Nero who was fiddling while Rome was burning. The Supreme Court in its opinion on 22.11.1991 in the Presidential Special Reference No.1 of 1991 has in its wisdom observed:-

"Though the waters of an Inter-State river pass through the territories of riparian States such waters cannot be said to be located in any one State. They are in a state of flow and no State can claim exclusive ownership of such waters so as to deprive the other States of their equitable share."

4. Mr. Prime Minister, as you are aware, the River Cauvery is the lifeline of Tamil Nadu which contributes to about 45 percent of the total surface flows of the State and the farmers of the Cauvery Basin entirely depend upon the supply of water from Mettur Dam for cultivation. Cultivation on about 15 lakh acres is totally dependent on the release of water from Mettur Dam. The Cauvery Water Disputes Tribunal had pronounced its Final Order on 5.2.2007 and despite my Government's repeated requests, the Final Order has not yet been notified by the Government of India. Therefore, till the Final Order is notified, the Interim Order of the Tribunal should be considered as the governing regime for all purposes. Indeed, the Cauvery Monitoring Committee has been mandated to meet once in three months to monitor the implementation of the Interim Order of the Tribunal.

5. During the crucial months of June, July, August and September, the Tribunal has mandated a total release of 137 T.M.C. ft. into Mettur Dam by Karnataka, breaking it down into monthly and weekly schedules. I am saddened to say that this part of the Order is repeatedly violated by Karnataka. Its stand that the total volume of water to be released will be computed at the end of December is inhuman and is a grave injustice to the rights

of the lower riparian States. I am also pained to point out that the Government of India does not monitor this crucial aspect of calibrated release of water by Karnataka which has already resulted in the loss of one crop this year. Karnataka has unjustly utilized the water for summer irrigation and impounded all the flows it had received so far and as a result, Mettur Dam could not be opened for irrigation on the normal date of 12th June during this Irrigation Year. We have released water from Mettur Dam only on the 17th of September, i.e. the day before yesterday, to enable our farmers to raise at least one single Samba Crop, in spite of insufficient storage. However, the current situation is extremely critical. Mettur Dam has a storage of about 45 TMC. ft. of water which is barely sufficient for 30 days, whereas the main reservoirs in Karnataka have about 80% of their total gross capacity. If the North-East monsoon plays truant as did the South-West monsoon, the entire hopes and aspirations of the Delta farmers will be dashed.

6. My repeated requests to the Government of India to restrain Karnataka from depleting its reservoirs for summer irrigation and to ensure the release of water to Tamil Nadu as per the Interim Order have been met with stoic silence. In fact, my letters to you,

Mr. Prime Minister, have not been responded to properly, except for one. Is it too much, in a Federal set up, for a Chief Minister to expect a reasonable reply from the Prime Minister?

7. Be that as it may, Mr. Prime Minister, the need of the hour is to order immediate release of water from Karnataka, without any dithering or procrastination, so that the livelihood of our farmers and agricultural labourers is safeguarded.

8. Mr. Prime Minister, the pattern of flows to be ensured monthwise at Mettur has been fixed with reference to the crop water requirements of the downstream States by the Cauvery Water Disputes Tribunal and the Tribunal had made this explicit, when the State of Karnataka raised its objections. Karnataka has not been honouring either the Interim Order of the Cauvery Water Disputes Tribunal dated 25.6.1991 which is in force, or the Final Order of the Tribunal dated 5.2.2007 in toto, but is harping on the purported Final Order selectively. Karnataka has declared in its affidavit dated 24.8.2012 filed before the Hon'ble Supreme Court that it has no obligation to release water till December, in utter contempt of the orders of the Cauvery Water Disputes Tribunal, and yet the Government of India is a

mute spectator to this injustice. Thus, it is evident that Karnataka is holding the downstream States to ransom, declaring that all the waters that flow through its territory are its own and further declaring that it has no responsibility or commitment to cater to the needs of the age old ayacuts that have been developed over the centuries in the downstream State of Tamil Nadu. The failure of Karnataka to ensure the release of the stipulated flows to Tamil Nadu during the crucial months of June to September in every irrigation year adversely affects agricultural operations in the State, besides affecting the total food grain supply in Tamil Nadu and consequently, in the country as a whole.

9. As on 1st February, 2012, the combined gross storage in the 4 major reservoirs of Karnataka was 58.50 T.M.C. ft. It had been drastically reduced to 22.20 T.M.C. ft. as of 1st June, 2012. Karnataka had utilized about 36.30 T.M.C. ft. of water for summer irrigation, besides utilizing all the inflows during those months, contrary to the orders of the Cauvery Water Disputes Tribunal. Having depleted the reservoirs during the summer months, Karnataka then impounds all the waters received in the South-West monsoon period until its reservoirs surplus, thereby creating an artificial drought in Tamil Nadu. We are made

to suffer merely because of the geographical fact of being a lower riparian State. During the current year, as on 15.9.2012, Tamil Nadu should have received 122.32 T.M.C. ft. of water at Mettur Dam, as per the Interim Order of the Cauvery Water Disputes Tribunal, whereas, we only received 19.40 T.M.C. ft. Consequently, the entire Kuruvai cultivation was thrown into disarray. Even assuming that there is distress in Karnataka, we should have received an additional 48.50 T.M.C. ft. up to 15.9.2012, as per the Distress Sharing Formula devised by the Central Water Commission. There might have been a shortfall in precipitation in Karnataka in June but currently, three of its four reservoirs, namely, Kabini, Hemavathy and Harangi are full and the fourth one Krishnaraja Sagar is fast filling up. I, therefore, expect that the Hon'ble Prime Minister would order release of our due share of water immediately.

10. Sir, an important issue on which a decision needs to be taken in this meeting is about sharing of water in a distress situation. As you are aware, I have in my letter dated 18.5.2012 written to you about the distress situation that had arisen in Tamil Nadu. The Cauvery Water Disputes Tribunal in its order dated 3.4.1992 had made it clear that if, in future, a situation of distress is caused by

diminution in the supply of water for meeting the releases ordered by it, the method of pro rata sharing of the distress could always be adopted, which has also been reiterated in the Final Order. The Cauvery River Authority in its 3rd meeting held on 10.10.2001 decided to work out an acceptable and equitable procedure for pro-rata sharing of the distress and requested the Basin States to put forward their specific suggestions for consideration by the Cauvery River Authority. Pursuant to this, the Central Water Commission evolved an acceptable and equitable procedure for pro rata sharing of distress and in the 4th meeting of the Cauvery River Authority held on 27.8.2002, the then Chairman of the Cauvery River Authority suggested that the Cauvery Monitoring Committee functioning under the Cauvery River Authority should meet and finalise before 15.9.2002 a specific formula for distress sharing. Subsequently, the Supreme Court in its Order dated 3.9.2002 had directed the Cauvery River Authority to finally decide the dispute between the States with regard to the pro rata sharing of the water by the Cauvery Basin States especially in times of distress. The Distress Sharing Formula evolved by the Central Water Commission and accepted by the Cauvery Monitoring Committee as early as in 2003, is yet to be approved by the Cauvery River Authority. Tamil Nadu has

already given its consent to the Distress Sharing Formula. The formula envisages releases on pro rata basis, based on the flows into the Karnataka reservoirs in a distress year. Since a situation of distress has now arisen, there is an imperative need to approve the Distress Sharing Formula so as to ensure that Karnataka shares the flows it receives in its 4 major reservoirs.

I, therefore, urge the Hon'ble Prime Minister that in this meeting itself the Distress Sharing Formula should be approved and the water already due to Tamil Nadu should be ordered to be released forthwith.

11. Mr. Prime Minister, yet another issue which requires immediate consideration by the Cauvery River Authority is about the area under irrigation by Karnataka. The Cauvery Water Disputes Tribunal, in its Interim Order dated 25.6.1991, has directed that the State of Karnataka shall not increase its area under irrigation by the waters of the River Cauvery beyond 11.20 lakh acres. Karnataka does not furnish details of the project wise annual irrigated area to the Cauvery Monitoring Committee. I, therefore, request you to direct the Government of Karnataka to furnish the project wise area irrigated annually, to monitor whether it has exceeded this stipulation made in the Interim Order which is in force.

12. Mr. Prime Minister, the people of Tamil Nadu expect positive and firm action on your part for the release of water from Karnataka. The Supreme Court on 10.9.2012 had directed Karnataka to release 10000 cusecs each day till 20th September, 2012. It will also not be out of place to point out here that, as per the Business Rules of the Cauvery River Authority, if consensus is elusive, the Chairperson's decision is final.

Therefore, I request you to direct Karnataka to immediately release 48 T.M.C. ft. at the rate of 2 T.M.C. ft. of water every day for the next 24 days which is due to Tamil Nadu in accordance with the Distress Sharing Formula and thereafter continuously, as per the Interim Order of the Tribunal, so that the Samba crop can be sustained in the Cauvery Basin and food crisis in Tamil Nadu is averted.

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